

House Study Bill 634

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act extending the statute of limitations for the filing of an
2 indictment or information in a felony or aggravated or serious
3 misdemeanor proceeding involving DNA profiling.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5322DP 81
6 jm/je/5

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1 1 Section 1. Section 802.3, Code 2005, is amended to read as
1 2 follows:
1 3 802.3 FELONY == AGGRAVATED OR SERIOUS MISDEMEANOR.
1 4 In all cases, except those enumerated in ~~sections~~ section
1 5 802.1, 802.2, ~~and 802.2A, or 802.10,~~ an indictment or
1 6 information for a felony or aggravated or serious misdemeanor
1 7 shall be found within three years after its commission.
1 8 Sec. 2. NEW SECTION. 802.10 DNA PROFILE OF ACCUSED.
1 9 1. "DNA profile" means the same as defined in section
1 10 81.1.
1 11 2. An indictment or information may be found containing
1 12 only the DNA profile of the person charged. When an
1 13 indictment or information is found containing only a DNA
1 14 profile, the limitation of any action under section 802.3 is
1 15 tolled.
1 16 3. However, an indictment or information shall be found
1 17 within three years from the date the identity of the person
1 18 charged is identified by the person's DNA profile under
1 19 section 802.3. If the action involves sexual abuse, the
1 20 indictment or information shall be found as provided in
1 21 section 802.2, if the person is identified by the person's DNA
1 22 profile.

EXPLANATION

1 24 This bill extends the statute of limitations for the filing
1 25 of an indictment or information in a felony or aggravated or
1 26 serious misdemeanor proceeding involving DNA profiling.
1 27 Under the bill, an indictment or information may be filed
1 28 containing only the DNA profile of the person charged. The
1 29 filing of an indictment or information containing only the DNA
1 30 profile tolls the limitation of any action under Code section
1 31 802.3. However, the bill provides that an indictment or
1 32 information shall be filed within three years from the date
1 33 the identity of the person charged is identified by the
1 34 person's DNA profile. If the offense involves sexual abuse
1 35 and the person is identified by the person's DNA profile, the
2 1 indictment or information shall be filed as provided in Code
2 2 section 802.2.
2 3 Current law provides that such an indictment or information
2 4 must be filed within three years of the commission of the
2 5 criminal offense.
2 6 LSB 5322DP 81
2 7 jm:rj/je/5.1